

Staff Summary Report



Council Meeting Date: 09/18/08

Agenda Item Number: _____

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning portions of existing public utility easements located at 222 S. Mill Avenue, being in the vicinity of the Northwest corner of Mill Avenue and Third Street.

DOCUMENT NAME: 20080918PWCH04 ABANDONMENT (0901)
ORDINANCE NO. 2008.43

SUPPORTING DOCS: Yes

COMMENTS: Tempe Gateway L. L.C. a Delaware Corporation has requested the abandonment of portions of existing Public Utility Easements located at 222 S. Mill Avenue, more particularly described in the attached "Exhibit A" consisting of 2 pages; "Exhibit B" consisting of 1 page; "Exhibit C" consisting of 2 pages and "Exhibit D" consisting of 2 pages and more particularly shown on "Exhibit E" consisting of 3 pages and being in the vicinity of the Northwest corner of Mill Avenue and Third Street. New easements have been platted to replace the abandoned easements.

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8779)

LEGAL REVIEW AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.43 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.43

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING PORTIONS OF EXISTING PUBLIC UTILITIES EASEMENTS LOCATED AT 222 S. MILL AVENUE, BEING IN THE VICINITY OF THE NORTHWEST CORNER OF MILL AVENUE AND THIRD STREET.

WHEREAS, it has been determined that the City of Tempe owns those portions of the public utility easements described herein and shown on shown on Exhibit E hereto and legally described on Exhibits A, B, C and D attached hereto; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon portions of said easements, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the City of Tempe does hereby abandon, relinquish and vacate the portions of existing public utility easements shown on Exhibit E hereto, and legally described on Exhibits A, B, C and D hereto.

Section 2. That all rights of the City in the portions of the easements abandoned shall vest in the record owner(s) of the adjacent property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the abandoned portions of the easements are a part.

Section 3. The Mayor is hereby authorized to execute any documents that may be necessary to implement this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

EXHIBIT A

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Professional
Services, LLC

Civil Engineering
Land Surveying
Project Management



JUNE 15, 2007
JOB NO. 06139

LEGAL DESCRIPTION PUBLIC UTILITY EASEMENT ABANDONMENT

EASEMENT ABANDONMENT "A"

AN EASEMENT ABANDONMENT, BEING A PORTION OF THE PUBLIC UTILITY EASEMENT AS SHOWN ON THE RECORD PLAT OF OFFICE PLAZA 222, RECORDED IN BOOK 236 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS. LOCATED WITHIN THE WEST HALF OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HANDHOLE ON THE MONUMENT LINE OF MILL AVENUE. FROM WHICH THE INTERSECTION OF THE MONUMENT LINES OF MILL AVENUE AND THIRD STREET, BEING A BRASS CAP IN A HANDHOLE, BEARS SOUTH 00°14'55" EAST, A DISTANCE OF 403.80 FEET;

THENCE SOUTH 89°34'25" WEST, ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN DOCUMENT NO. 98-0147242, MARICOPA COUNTY RECORDS, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILL AVENUE;

THENCE SOUTH 00°14'55" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 12.50 FEET;

THENCE SOUTH 89°34'25" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 12.50 FEET SOUTHERLY OF SAID NORTHERLY LINE, A DISTANCE OF 79.00 FEET TO THE **POINT OF BEGINNING** OF THE ABANDONMENT HEREIN DESCRIBED:

THENCE SOUTH 00°14'55" EAST, PARALLEL WITH AND 79.00 FEET WESTERLY OF SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 75.00 FEET TO A POINT LYING 87.50 FEET SOUTHERLY OF SAID NORTHERLY LINE:

THENCE SOUTH 89°34'25" WEST, PARALLEL WITH SAID NORTHERLY LINE. A DISTANCE OF 6.00 FEET TO A POINT LYING 85.00 FEET WESTERLY OF SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE NORTH 00°14'55" WEST, PARALLEL WITH SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 75.00 FEET TO A POINT LYING 12.50 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE NORTH 89°34'25" EAST, PARALLEL WITH SAID NORTHERLY LINE. A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING OF THE ABANDONMENT HEREIN DESCRIBED.**

EXHIBIT B

EASEMENT ABANDONMENT "B"

AN EASEMENT ABANDONMENT, BEING A PORTION OF THE PUBLIC UTILITY EASEMENT AS SHOWN ON THE RECORD PLAT OF OFFICE PLAZA 222, RECORDED IN BOOK 236 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS, LOCATED WITHIN THE WEST HALF OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HANDHOLE ON THE MONUMENT LINE OF MILL AVENUE, FROM WHICH THE INTERSECTION OF THE MONUMENT LINES OF MILL AVENUE AND THIRD STREET, BEING A BRASS CAP IN A HANDHOLE, BEARS SOUTH 00°14'55" EAST, A DISTANCE OF 403.80 FEET;

THENCE SOUTH 89°34'25" WEST, ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN DOCUMENT NO. 98-0147242, MARICOPA COUNTY RECORDS, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILL AVENUE;

THENCE SOUTH 00°14'55" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 12.50 FEET;

THENCE SOUTH 89°34'25" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 12.50 FEET SOUTHERLY OF SAID NORTHERLY LINE, A DISTANCE OF 267.98 FEET TO THE NORTHEAST CORNER OF A 6 FOOT WIDE PUBLIC UTILITY EASEMENT, AS SHOWN ON SAID PLAT, SAID NORTHEAST CORNER ALSO BEING THE **POINT OF BEGINNING** OF THE ABANDONMENT HEREIN DESCRIBED;

THENCE SOUTH 00°12'26" EAST, ALONG THE EAST LINE OF SAID 6 FOOT WIDE PUBLIC UTILITY EASEMENT, A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH LINE OF SAID PUBLIC UTILITY EASEMENT, SAID POINT ALSO LYING 87.50 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE SOUTH 89°34'25" WEST, ALONG SAID SOUTH LINE AND PARALLEL WITH SAID NORTHERLY LINE, A DISTANCE OF 6.00 FEET TO A POINT ON THE WEST LINE OF SAID 6 FOOT WIDE PUBLIC UTILITY EASEMENT;

THENCE NORTH 00°12'26" WEST, ALONG SAID WEST LINE AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTH LINE OF SAID 6 FOOT WIDE PUBLIC UTILITY EASEMENT, SAID POINT ALSO LYING 12.50 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE NORTH 89°34'25" EAST, ALONG SAID NORTH LINE AND PARALLEL WITH SAID NORTHERLY LINE, A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING** OF THE ABANDONMENT HEREIN DESCRIBED.

EXHIBIT C

EASEMENT ABANDONMENT "C"

AN EASEMENT ABANDONMENT, BEING A PORTION OF THE PUBLIC UTILITY EASEMENT AS SHOWN ON THE RECORD PLAT OF OFFICE PLAZA 222, RECORDED IN BOOK 236 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS, LOCATED WITHIN THE WEST HALF OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HANDHOLE ON THE MONUMENT LINE OF MILL AVENUE, FROM WHICH THE INTERSECTION OF THE MONUMENT LINES OF MILL AVENUE AND THIRD STREET, BEING A BRASS CAP IN A HANDHOLE, BEARS SOUTH $00^{\circ}14'55''$ EAST, A DISTANCE OF 403.80 FEET;

THENCE SOUTH $89^{\circ}34'25''$ WEST, ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN DOCUMENT NO. 98-0147242, MARICOPA COUNTY RECORDS, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILL AVENUE;

THENCE SOUTH $00^{\circ}14'55''$ EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 12.50 FEET;

THENCE SOUTH $89^{\circ}34'25''$ WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, PARALLEL WITH AND 12.50 FEET SOUTHERLY OF SAID NORTHERLY LINE, A DISTANCE OF 313.98 FEET TO THE NORTHEAST CORNER OF A VARIABLE WIDTH PUBLIC UTILITY EASEMENT, AS SHOWN ON SAID PLAT. SAID NORTHEAST CORNER ALSO BEING THE **POINT OF BEGINNING** OF THE ABANDONMENT HEREIN DESCRIBED:

THENCE SOUTH $00^{\circ}12'26''$ EAST, ALONG THE EAST LINE OF SAID VARIABLE WIDTH PUBLIC UTILITY EASEMENT, A DISTANCE OF 54.50 FEET TO A POINT ON THE SOUTH LINE OF SAID VARIABLE WIDTH PUBLIC UTILITY EASEMENT, SAID POINT LYING 67.00 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE SOUTH $89^{\circ}34'25''$ WEST, ALONG SAID SOUTH LINE AND PARALLEL WITH SAID NORTHERLY LINE, A DISTANCE OF 53.00 FEET;

THENCE NORTH $00^{\circ}12'26''$ WEST, PARALLEL WITH AND 53.00 FEET WESTERLY OF SAID EAST LINE, A DISTANCE OF 8.00 FEET;

THENCE NORTH $89^{\circ}34'25''$ EAST, A DISTANCE OF 41.00 FEET TO A POINT LYING 12.00 FEET WESTERLY OF SAID EAST LINE;

THENCE NORTH $00^{\circ}12'26''$ WEST, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 89°34'25" WEST, A DISTANCE OF 31.00 FEET TO A POINT LYING 43.00 FEET WESTERLY OF SAID EAST LINE;

THENCE NORTH 00°12'26" WEST, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 6.00 FEET;

THENCE NORTH 89°34'25" EAST, A DISTANCE OF 31.00 FEET TO A POINT LYING 12.00 FEET WESTERLY OF SAID EAST LINE;

THENCE NORTH 00°12'26" WEST, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 7.50 FEET TO A POINT ON THE NORTH LINE OF SAID VARIABLE WIDTH PUBLIC UTILITY EASEMENT, SAID POINT ALSO LYING 12.50 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE NORTH 89°34'25" EAST, ALONG SAID NORTH LINE AND PARALLEL WITH SAID NORTHERLY LINE, A DISTANCE OF 12.00 FEET TO THE **POINT OF BEGINNING OF THE ABANDONMENT HEREIN DESCRIBED.**

EXHIBIT D

EASEMENT ABANDONMENT "D"

AN EASEMENT ABANDONMENT, BEING A PORTION OF THE PUBLIC UTILITY EASEMENT AS SHOWN ON THE RECORD PLAT OF OFFICE PLAZA 222, RECORDED IN BOOK 236 OF MAPS, PAGE 48, MARICOPA COUNTY RECORDS, LOCATED WITHIN THE WEST HALF OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HANDHOLE ON THE MONUMENT LINE OF MILL AVENUE, FROM WHICH THE INTERSECTION OF THE MONUMENT LINES OF MILL AVENUE AND THIRD STREET, BEING A BRASS CAP IN A HANDHOLE, BEARS SOUTH 00°14'55" EAST, A DISTANCE OF 403.80 FEET;

THENCE SOUTH 89°34'25" WEST, ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN DOCUMENT NO. 98-0147242, MARICOPA COUNTY RECORDS, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID MILL AVENUE;

THENCE SOUTH 00°14'55" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 334.77 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THIRD STREET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF BLOCK 61, MAP OF TEMPE, AS RECORDED IN BOOK 2 OF MAPS, PAGE 26, MARICOPA COUNTY RECORDS;

THENCE SOUTH 89°36'37" WEST, ALONG THE SOUTHERLY LINE OF SAID BLOCK 61 AND SAID OFFICE PLAZA 222, A DISTANCE OF 314.21 FEET TO THE SOUTHEAST CORNER OF A VARIABLE WIDTH PUBLIC UTILITY EASEMENT, AS SHOWN ON SAID PLAT, SAID SOUTHEAST CORNER ALSO BEING THE **POINT OF BEGINNING** OF THE ABANDONMENT HEREIN DESCRIBED;

THENCE CONTINUING SOUTH 89°36'37" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 12.00 FEET;

THENCE NORTH 00°12'26" WEST, ALONG A LINE HEREINAFTER REFERRED TO AS LINE "1", A DISTANCE OF 39.00 FEET;

THENCE SOUTH 89°37'00" WEST, PARALLEL WITH AND 39.00 FEET NORTHERLY OF SAID SOUTHERLY LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY LINE OF THE EASEMENT ABANDONMENT DESCRIBED IN DOCUMENT NO. 98-0071517, MARICOPA COUNTY RECORDS;

THENCE NORTH 00°23'00" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 12.00 FEET TO A POINT LYING 51.00 FEET NORTHERLY OF SAID SOUTHERLY LINE;

THENCE NORTH 89°37'00" EAST, DEPARTING SAID EASTERLY LINE AND PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 38.04 FEET;

THENCE NORTH 00°12'26" WEST, PARALLEL WITH SAID LINE "1", A DISTANCE OF 39.00 FEET TO A POINT LYING 90.00 FEET NORTHERLY OF SAID SOUTHERLY LINE:

THENCE NORTH 89°37'00" EAST, PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 6.00 FEET:

THENCE SOUTH 00°12'26" EAST, PARALLEL WITH SAID LINE "1", A DISTANCE OF 39.00 FEET TO A POINT LYING 51.00 FEET NORTHERLY OF SAID SOUTHERLY LINE:

THENCE NORTH 89°36'37" EAST, PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 64.00:

THENCE NORTH 00°12'26" WEST, PARALLEL WITH SAID LINE "1", A DISTANCE OF 18.00 FEET TO A POINT LYING 69.00 FEET NORTHERLY OF SAID SOUTHERLY LINE:

THENCE NORTH 89°36'37" EAST, PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 8.00 FEET:

THENCE SOUTH 00°12'26" EAST, PARALLEL WITH SAID LINE "1", A DISTANCE OF 18.00 FEET TO A POINT LYING 51.00 FEET NORTHERLY OF SAID SOUTHERLY LINE:

THENCE NORTH 89°36'37" EAST, PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 17.00 FEET:

THENCE SOUTH 00°12'26" EAST, PARALLEL WITH SAID LINE "1", A DISTANCE OF 12.00 FEET TO A POINT LYING 39.00 FEET NORTHERLY OF SAID SOUTHERLY LINE:

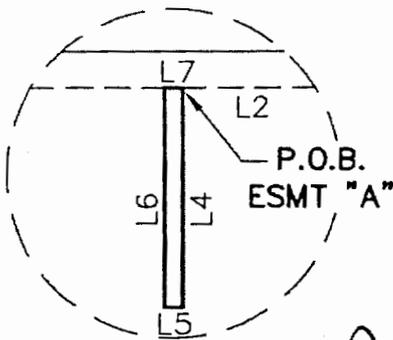
THENCE SOUTH 89°36'37" WEST, PARALLEL WITH SAID SOUTHERLY LINE, A DISTANCE OF 71.00 FEET TO A POINT LYING 12.00 FEET EASTERLY OF SAID LINE "1";

THENCE SOUTH 00°12'26" EAST, PARALLEL WITH SAID LINE "1", A DISTANCE OF 39.00 FEET TO THE POINT OF BEGINNING OF THE ABANDONMENT HEREIN DESCRIBED.

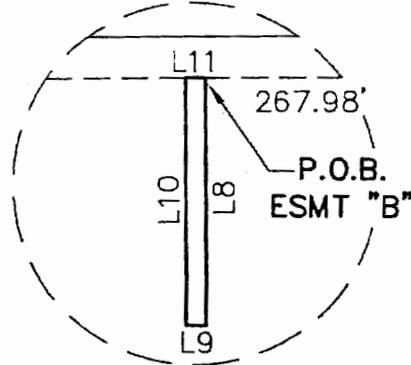


EXHIBIT E

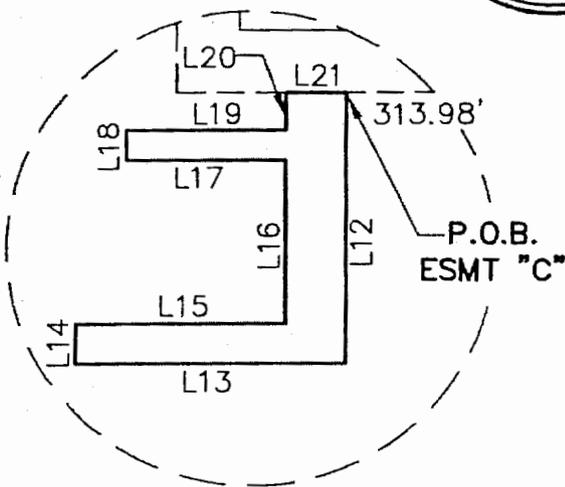
DETAIL
ESMT "A"
N.T.S.



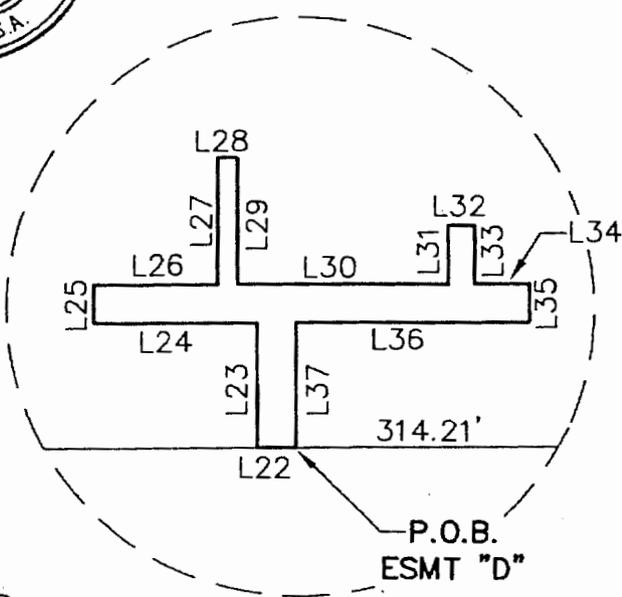
DETAIL
ESMT "B"
N.T.S.



DETAIL
ESMT "C"
N.T.S.



DETAIL
ESMT "D"
N.T.S.



LEGEND

- N.T.S. NOT TO SCALE
- ESMT EASEMENT
- P.O.B. POINT OF BEGINNING



N.T.S.

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6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602) 954-0008
Fax: (602) 954-4010

TEMPE GATEWAY EASEMENT ABANDONMENT TEMPE, ARIZONA

EXHIBIT

DATE: 6/26/07 SCALE: N.T.S. PROJ. NO.: 06139 CAD FILE: 06139_EXHIBIT

2 of 3

EXHIBIT E

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.50	S00°14'55"E
L2	79.00	S89°34'25"W
L3	40.00	S89°34'25"W
L4	75.00	S00°14'55"E
L5	6.00	S89°34'25"W
L6	75.00	N00°14'55"W
L7	6.00	N89°34'25"E
L8	75.00	S00°12'26"E
L9	6.00	S89°34'25"W
L10	75.00	N00°12'26"W
L11	6.00	N89°34'25"E
L12	54.50	S00°12'26"E
L13	53.00	S89°34'25"W
L14	8.00	N00°12'26"W
L15	41.00	N89°34'25"E
L16	33.00	N00°12'26"W
L17	31.00	S89°34'25"W
L18	6.00	N00°12'26"W

LINE TABLE		
LINE	LENGTH	BEARING
L19	31.00	N89°34'25"E
L20	7.50	N00°12'26"W
L21	12.00	N89°34'25"E
L22	12.00	S89°36'37"W
L23	39.00	N00°12'26"W
L24	50.00	S89°37'00"W
L25	12.00	N00°23'00"W
L26	38.04	N89°37'00"E
L27	39.00	N00°12'26"W
L28	6.00	N89°37'00"E
L29	39.00	S00°12'26"E
L30	64.00	N89°36'37"E
L31	18.00	N00°12'26"W
L32	8.00	N89°36'37"E
L33	18.00	S00°12'26"E
L34	17.00	N89°36'37"E
L35	12.00	S00°12'26"E
L36	71.00	S89°36'37"W
L37	39.00	S00°12'26"E



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TEMPE GATEWAY EASEMENT ABANDONMENT TEMPE, ARIZONA

DATE: 6/14/07 SCALE: N.T.S. PROJ. NO: 05139 CAD FILE: 06139_EXHIB.T

EXHIBIT